

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT S.B. 295

SENATE BILL NO. 295—SENATOR RAWSON

MARCH 7, 2001

Referred to Committee on Judiciary

SUMMARY—Provides for establishment of registry of putative fathers for purposes of facilitating termination of parental rights and adoption of certain children. (BDR 11-50)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to domestic relations; providing for the establishment of a registry of putative fathers; requiring the health division of the department of human resources to administer the registry of putative fathers; requiring the state board of health to adopt regulations concerning the registry of putative fathers; revising the provisions governing the termination of parental rights and adoption of children of putative fathers; making an appropriation; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 128 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 12, inclusive, of this act.
3 **Sec. 2.** *“Division” means the health division of the department of*
4 *human resources.*
5 **Sec. 3.** *“Registrant” means a putative father who has registered with*
6 *the registry pursuant to section 6 of this act.*
7 **Sec. 4.** *“Registry” means the registry of putative fathers established*
8 *pursuant to section 5 of this act.*
9 **Sec. 5.** *1. The division shall establish a registry of putative fathers.*
10 *2. The registry must include, without limitation, the following*
11 *information pertaining to a registrant who has not withdrawn his*
12 *registration:*
13 *(a) The name of the registrant;*
14 *(b) The date of birth of the registrant;*
15 *(c) The name and date of birth of the child who is the subject of the*
16 *registration, if known;*
17 *(d) The address at which the registrant wishes to receive notice of the*
18 *filing of a petition for termination of parental rights; and*



1 (e) The name of the mother of the child and any known aliases used
2 by the mother.

3 3. The division shall establish and maintain a statewide campaign to
4 ensure that the public is aware of the existence and purpose of the
5 registry.

6 **Sec. 6.** 1. A person who is the putative father of a child may
7 register with the registry by submitting to the division a registration form
8 in the manner prescribed in the regulations adopted by the state board of
9 health pursuant to section 11 of this act:

- 10 (a) Before the birth of the child;
11 (b) Within 30 days after the birth of the child; or
12 (c) Within 30 days after the date notice is provided pursuant to
13 subsection 4 of section 12 of this act,
14 whichever occurs later.

15 2. A registration form shall be deemed to be filed in the registry at
16 the time of receipt that is recorded on the registration form by the
17 division.

18 3. A registrant shall notify the division of his new address not later
19 than 5 days after changing the address at which he wishes to receive
20 notice of a filing of a petition for termination of parental rights or
21 summary petition for termination of parental rights, as applicable.

22 **Sec. 7.** 1. Upon receipt of a written and notarized request of a
23 registrant to withdraw his registration from the registry, the division
24 shall:

- 25 (a) Remove from the registry and destroy all information, whether
26 tangible or intangible, pertaining to the registrant; and
27 (b) Refuse to disclose any information pertaining to the registrant or
28 pertaining to the fact that the registrant registered with the registry or
29 requested the withdrawal of his registration.

30 2. A registrant who withdraws his registration pursuant to this
31 section may not submit another registration form for the same child for
32 which he previously registered.

33 **Sec. 8.** 1. An agency described in NRS 127.050, a person who has
34 filed a petition for termination of parental rights pursuant to this chapter
35 or an attorney acting on behalf of a person who has filed a petition for
36 termination of parental rights pursuant to this chapter may request that
37 the division search the registry to determine whether a person who is the
38 subject of a petition for termination of parental rights filed pursuant to
39 this chapter has registered as the putative father of the child.

40 2. After conducting a search of the registry, if the division
41 determines that a person has registered as the putative father of the child,
42 the division shall:

- 43 (a) Provide the agency or person described in subsection 1 with a
44 certified copy of the registration form submitted by the registrant which
45 indicates the date and time of receipt of the registration form; and

46 (b) Notify the registrant by certified mail that:
47 (1) A petition or summary petition, as applicable, for the
48 termination of his parental rights has been filed;



1 (2) *A search of the registry was conducted pursuant to this section;*
2 *and*

3 (3) *A copy of his registration form was provided to an agency or a*
4 *person described in subsection 1.*

5 3. *After conducting a search of the registry, if the division*
6 *determines that a person has not registered as the putative father of the*
7 *child, the division shall provide the agency or person described in*
8 *subsection 1 with a certified statement verifying that:*

9 (a) *A search of the registry was conducted; and*

10 (b) *No person has registered as the putative father of the child.*

11 **Sec. 9.** 1. *The state board of health shall establish by regulation*
12 *the fees to be charged pursuant to subsection 2 in an amount sufficient to*
13 *defray all costs of carrying out the provisions of sections 2 to 10,*
14 *inclusive, of this act.*

15 2. *The regulations adopted by the state board of health pursuant to*
16 *subsection 1 must provide that a reasonable fee must be charged for:*

17 (a) *Conducting a search of the registry; or*

18 (b) *Providing a certified copy of a registration form or a certified*
19 *statement pursuant to section 8 of this act.*

20 3. *The regulations adopted by the state board of health pursuant to*
21 *subsection 1 must provide that a fee must not be charged for:*

22 (a) *Registering with the registry; or*

23 (b) *Withdrawing a registration from the registry.*

24 4. *All money received by the division pursuant to subsection 2 must*
25 *be deposited in the state general fund.*

26 5. *The administrator of the division may apply for or accept any gifts,*
27 *grants, donations or contributions from any source to carry out the*
28 *provisions of sections 2 to 10, inclusive, of this act. Any money the*
29 *administrator receives pursuant to this subsection:*

30 (a) *Must be deposited in the state treasury and accounted for*
31 *separately in the state general fund;*

32 (b) *May only be used to carry out the provisions of sections 2 to 10,*
33 *inclusive, of this act; and*

34 (c) *Does not revert to the state general fund at the end of any fiscal*
35 *year.*

36 **Sec. 10.** 1. *Except as otherwise provided in this section, all*
37 *information contained in the registry is confidential and must not be*
38 *released to any person.*

39 2. *Information concerning a registrant may be released to:*

40 (a) *A court of competent jurisdiction.*

41 (b) *An agency or a person described in section 8 of this act who*
42 *submits a written request for a search of the registry.*

43 (c) *A person who submits a written request for the information*
44 *accompanied by a notarized statement from the registrant authorizing the*
45 *release of the information.*

46 (d) *A person authorized to receive the information pursuant to an*
47 *order of a court of competent jurisdiction.*

48 (e) *The state, any political subdivision of the state and any agency of*
49 *the state or of a political subdivision of the state that is responsible for*



1 *establishing and enforcing obligations of child support, but the*
2 *information released must not be used for any purpose other than*
3 *establishing and enforcing obligations of child support.*

4 **Sec. 11.** *The state board of health shall adopt regulations to carry*
5 *out the provisions of sections 2 to 10, inclusive, of this act.*

6 **Sec. 12.** *1. If the mother of a child relinquishes or proposes to*
7 *relinquish for adoption a child who does not have:*

8 *(a) A presumed father pursuant to subsection 1 of NRS 126.051;*

9 *(b) A father whose relationship to the child has been determined by a*
10 *court; or*

11 *(c) A father as to whom the child is a legitimate child pursuant to*
12 *chapter 126 of NRS, the prior law of this state or the law of another*
13 *jurisdiction; or*

14 *(d) A father who can be identified in any other way,*
15 *or if a child otherwise becomes the subject of an adoption proceeding, the*
16 *agency or person to whom the child has been or is to be relinquished, or*
17 *the mother or the person having custody of the child, may file a summary*
18 *petition to terminate parental rights pursuant to this section.*

19 *2. A summary petition to terminate parental rights must be verified,*
20 *must be entitled "Summary Petition for Termination of Parental Rights"*
21 *and must:*

22 *(a) Allege the facts necessary for a court to grant the petition;*

23 *(b) Contain the information set forth in NRS 128.050; and*

24 *(c) Be accompanied by an affidavit of the mother, which states:*

25 *(1) The name of each putative father of the child;*

26 *(2) The probable place or places where conception of the child is*
27 *believed to have occurred;*

28 *(3) The probable date when conception of the child is believed to*
29 *have occurred;*

30 *(4) The last known address of each putative father of the child, if*
31 *known;*

32 *(5) The name of any relative or a friend of each putative father of*
33 *the child, if known;*

34 *(6) The efforts, if any, by the mother to contact each putative father*
35 *concerning the conception or birth of the child;*

36 *(7) The substance of any communication between the mother and*
37 *each putative father concerning the conception or birth of the child;*

38 *(8) The efforts, if any, of each putative father to establish the*
39 *parentage of the child;*

40 *(9) The date of any visitation between the child and each putative*
41 *father; and*

42 *(10) The amount of any financial assistance provided by each*
43 *putative father to the mother during the pregnancy or after the birth of*
44 *the child.*

45 *3. Notice of the filing of a summary petition must be sent by certified*
46 *mail to the address of any putative father identified in the registry. The*
47 *notice must contain a statement in substantially the following form:*



1 *As a person who has registered with the putative father registry as*
2 *the putative father of a child, any parental rights that you may have*
3 *concerning the child will be subject to summary termination unless,*
4 *within 30 days after the date on which this notice was mailed to you,*
5 *you enter an appearance in or otherwise notify the court identified*
6 *in the summary petition for termination of parental rights that you*
7 *have attempted to establish parentage of the child.*
8

9 4. *The filing of a summary petition does not relieve the petitioner of*
10 *the duty to conduct a diligent search for the putative father before the*
11 *petition is decided by the court. Such a search must be based upon the*
12 *information provided in the affidavit of the mother pursuant to*
13 *subsection 1 and any other reasonably accessible information. If a*
14 *putative father is found pursuant to this subsection, the putative father*
15 *must be notified by certified mail of the following:*

16 (a) *The name of the birth mother and date of birth or anticipated date*
17 *of birth of the child.*

18 (b) *That he may be the father of the child.*

19 (c) *That the child is being placed for adoption.*

20 (d) *That if he has any interest in establishing or asserting his parental*
21 *rights, he must register with the registry within 30 days after the birth of*
22 *the child or within 30 days after the date on which notice is provided*
23 *pursuant to this subsection, whichever occurs later, and that the failure*
24 *to register with the registry will result in the termination of his parental*
25 *rights.*

26 5. *If notice of a summary petition has been mailed to one or more*
27 *putative fathers identified in the registry pursuant to subsection 3, the*
28 *petitioner may submit a request for submission of the petition, together*
29 *with a proposed order, to the court for decision 35 days after the date on*
30 *which notice was mailed to each putative father if each putative father*
31 *fails to:*

32 (a) *Enter an appearance; or*

33 (b) *Otherwise notify the court of any attempt to establish parentage.*

34 6. *If a putative father cannot be found or if a putative father who*
35 *received notification pursuant to subsection 4 does not register with the*
36 *registry within 30 days after the birth of the child or within 30 days after*
37 *the date on which notice was provided pursuant to subsection 4,*
38 *whichever occurs later, the petitioner may submit a request for*
39 *submission of the petition, together with a proposed order, to the court*
40 *for decision 35 days after the birth of the child or 35 days after the date*
41 *on which notice was provided pursuant to subsection 4, whichever occurs*
42 *later.*

43 7. *A putative father who fails to register with the registry pursuant to*
44 *section 6 of this act shall be deemed to have waived his right and*
45 *opportunity to receive further notice, other than the notice provided in*
46 *this section, of proceedings for the summary termination of his parental*
47 *rights.*

48 8. *A summary petition filed pursuant to this section must not be*
49 *granted or denied sooner than 35 days after the birth of the child.*



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1 **9. A court may grant a summary petition filed pursuant to this**
2 **section if the court finds that:**

3 **(a) The petitioner has satisfied the provisions of this section; and**

4 **(b) Granting of the petition is in the best interests of the child.**

5 **Sec. 13.** NRS 128.010 is hereby amended to read as follows:

6 128.010 As used in this chapter, unless the context otherwise requires,
7 the words and terms defined in NRS 128.011 to 128.018, inclusive, **and**
8 **sections 2, 3 and 4 of this act** have the meanings ascribed to them in those
9 sections.

10 **Sec. 14.** NRS 128.016 is hereby amended to read as follows:

11 128.016 "Putative father" means a person who ~~is or is~~ :

12 1. Is alleged or reputed to be the father of an illegitimate child ~~H~~ ;

13 2. **Is not the presumed father of a child pursuant to NRS 126.051;**

14 3. **Has not acknowledged paternity of the child pursuant to NRS**
15 **126.053; and**

16 4. **Has not been determined to have a parent and child relationship**
17 **with the child by:**

18 **(a) A court of competent jurisdiction pursuant to the laws of this state;**

19 **(b) A court of competent jurisdiction in another state;**

20 **(c) An administrative agency or quasi-judicial entity pursuant to NRS**
21 **425.382 to 425.3852, inclusive; or**

22 **(d) An administrative agency or quasi-judicial entity in another state**
23 **that is authorized to establish or to determine parentage or the existence**
24 **of a parent and child relationship.**

25 **Sec. 15.** NRS 128.050 is hereby amended to read as follows:

26 128.050 1. ~~The~~ **Except as otherwise provided in section 12 of this**
27 **act,** proceedings must be entitled, "In the matter of the parental rights as to
28 , a minor."

29 2. A petition must be verified and may be upon information and belief.
30 It must set forth plainly:

31 (a) The facts which bring the child within the purview of this chapter.

32 (b) The name, age and residence of the child.

33 (c) The names and residences of his parents.

34 (d) The name and residence of the person or persons having physical
35 custody or control of the child.

36 (e) The name and residence of his legal guardian, if there is one.

37 (f) The name and residence of the child's nearest known relative
38 residing within the state, if no parent or guardian can be found.

39 (g) Whether the child is known to be an Indian child.

40 3. If any of the facts required by subsection 2 are not known by the
41 petitioner, the petition must so state.

42 4. If the petitioner is a mother filing with respect to her unborn child,
43 the petition must so state and must contain the name and residence of the
44 father or putative father, if known.

45 5. If the petitioner or the child is receiving public assistance, the
46 petition must so state.

47 **Sec. 16.** NRS 128.060 is hereby amended to read as follows:

48 128.060 1. ~~After~~ **Except as otherwise provided in section 12 of**
49 **this act, after** a petition has been filed, unless the party or parties to be



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1 served voluntarily appear and consent to the hearing, the court shall direct
2 the clerk to issue a notice, reciting briefly the substance of the petition and
3 stating the date set for the hearing thereof, and requiring the person served
4 therewith to appear before the court at the time and place if that person
5 desires to oppose the petition.

6 2. The following persons must be personally served with the notice:

7 (a) The father or mother of the minor person, if residing within this
8 state, and if his or her place of residence is known to the petitioner, or, if
9 there is no parent so residing, or if the place of residence of the father or
10 mother is not known to the petitioner, then the nearest known relative of
11 that person, if there is any residing within the state, and if his residence and
12 relationship are known to the petitioner; and

13 (b) The minor's legal custodian or guardian, if residing within this state
14 and if his place of residence is known to the petitioner.

15 3. If the petitioner or the child is receiving public assistance, the
16 petitioner shall mail a copy of the notice of hearing and a copy of the
17 petition to the chief of the child enforcement program of the welfare
18 division of the department of human resources by registered or certified
19 mail, return receipt requested, at least 45 days before the hearing.

20 **Sec. 17.** NRS 128.070 is hereby amended to read as follows:

21 128.070 1. ~~When~~ *Except as otherwise provided in subsection 6,*
22 *when* the father or mother of a minor child or the child's legal custodian or
23 guardian resides out of the state, has departed from the state, or cannot,
24 after due diligence, be found within the state, or conceals himself or herself
25 to avoid the service of the notice of hearing, and the fact appears, by
26 affidavit, to the satisfaction of the court thereof, and it appears, either by
27 affidavit or by a verified petition on file, that the named father or mother or
28 custodian or guardian is a necessary or proper party to the proceedings, the
29 court may grant an order that the service be made by the publication of the
30 notice of hearing. When the affidavit is based on the fact that the father or
31 mother or custodian or guardian resides out of the state, and his or her
32 present address is unknown, it is a sufficient showing of that fact if the
33 affiant states generally in the affidavit that:

34 (a) At a previous time the person resided out of this state in a certain
35 place (naming the place and stating the latest date known to the affiant
36 when the person so resided there);

37 (b) That place is the last place in which the person resided to the
38 knowledge of the affiant;

39 (c) The person no longer resides at that place;

40 (d) The affiant does not know the present place of residence of the
41 person or where the person can be found; and

42 (e) The affiant does not know and has never been informed and has no
43 reason to believe that the person now resides in this state.

44 In such case, it ~~shall be~~ *is* presumed that the person still resides and
45 remains out of the state, and the affidavit shall be deemed to be a sufficient
46 showing of due diligence to find the father or mother or custodian or
47 guardian.

48 2. The order must direct the publication to be made in a newspaper, to
49 be designated by the court, for a period of 4 weeks, and at least once a



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1 week during that time. In case of publication, where the residence of a
2 nonresident or absent father or mother or custodian or guardian is known,
3 the court shall also direct a copy of the notice of hearing and petition to be
4 deposited in the post office, directed to the person to be served at his place
5 of residence. When publication is ordered, personal service of a copy of the
6 notice of hearing and petition, out of the state, is equivalent to completed
7 service by publication and deposit in the post office, and the person so
8 served has 20 days after the service to appear and answer or otherwise
9 plead. The service of the notice of hearing shall be deemed complete in
10 cases of publication at the expiration of 4 weeks from the first publication,
11 and in cases when a deposit of a copy of the notice of hearing and petition
12 in the post office is also required, at the expiration of 4 weeks from the
13 deposit.

14 3. Personal service outside the state upon a father or mother over the
15 age of 18 years or upon the minor's legal custodian or guardian may be
16 made in any action where the person served is a resident of this state.
17 When the facts appear, by affidavit, to the satisfaction of the court, and it
18 appears, either by affidavit or by a verified petition on file, that the person
19 in respect to whom the service is to be made is a necessary or proper party
20 to the proceedings, the court may grant an order that the service be made
21 by personal service outside the state. The service must be made by
22 delivering a copy of the notice of hearing together with a copy of the
23 petition in person to the person served. The methods of service are
24 cumulative, and may be utilized with, after or independently of other
25 methods of service.

26 4. Whenever personal service cannot be made, the court may require,
27 before ordering service by publication or by publication and mailing, such
28 further and additional search to determine the whereabouts of the person to
29 be served as may be warranted by the facts stated in the affidavit of the
30 petitioner to the end that actual notice be given whenever possible.

31 5. If one or both of the parents of the minor is unknown, or if the name
32 of either or both of his parents is uncertain, then those facts must be set
33 forth in the affidavit and the court shall order the notice to be directed and
34 addressed to either the father or the mother of the person, and to all persons
35 claiming to be the father or mother of the person. The notice, after the
36 caption, must be addressed substantially as follows: "To the father and
37 mother of the above-named person, and to all persons claiming to be the
38 father or mother of that person."

39 *6. The provisions of this section do not apply to a summary petition*
40 *for termination of parental rights pursuant to section 12 of this act.*

41 **Sec. 18.** NRS 128.080 is hereby amended to read as follows:
42 128.080 The notice *required pursuant to NRS 128.060 and 128.070*
43 must be in substantially the following form:
44

45 In the Judicial District Court of the State of Nevada,
46 in and for the County of

47
48 In the matter of parental rights
49 as to, a minor.



Notice

To, the father or, the mother of the above-named person; or, to the father and mother of the above-named person, and to all persons claiming to be the father or mother of this person; or, to, related to the above-named minor as; and, to, the legal custodian or guardian of the above-named minor:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the termination of parental rights over the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at, in the County of, on the day of the month of of the year at o'clockm., at which time and place you are required to be present if you desire to oppose the petition.

Dated (month) (day) (year)

.....
Clerk of court.

(SEAL)

By.....
Deputy.

Sec. 19. NRS 128.085 is hereby amended to read as follows:
128.085 ~~When~~ *Except as otherwise provided in section 12 of this act:*

1. If the mother of an unborn child files a petition for termination of the father's parental rights, the father or putative father, if known, ~~shall~~ *must* be served with notice of the hearing in the manner provided for in NRS 128.060, 128.070 and 128.080.

2. The hearing ~~shall~~ *must* not be held until the birth of the child or 6 months after the filing of the petition, whichever is later.

Sec. 20. NRS 128.090 is hereby amended to read as follows:
128.090 1. ~~At~~ *Except in the case of a summary petition filed pursuant to section 12 of this act, at* the time stated in the notice, or at the earliest time thereafter to which the hearing may be postponed, the court shall proceed to hear the petition.

2. The proceedings are civil in nature and are governed by the Nevada Rules of Civil Procedure. The court shall in all cases require the petitioner to establish the facts by clear and convincing evidence and shall give full and careful consideration to all of the evidence presented, with regard to the rights and claims of the parent of the child and to any and all ties of blood or affection, but with a dominant purpose of serving the best interests of the child.



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1 3. Information contained in a report filed pursuant to NRS 432.100 to
2 432.130, inclusive, or chapter 432B of NRS may not be excluded from the
3 proceeding by the invoking of any privilege.

4 4. In the event of postponement, all persons served, who are not
5 present or represented in court at the time of the postponement, must be
6 notified thereof in the manner provided by the Nevada Rules of Civil
7 Procedure.

8 5. Any hearing held pursuant to this section must be held in closed
9 court without admittance of any person other than those necessary to the
10 action or proceeding, unless the court determines that holding such a
11 hearing in open court will not be detrimental to the child.

12 **Sec. 21.** NRS 128.110 is hereby amended to read as follows:

13 128.110 1. Whenever the ~~procedure~~ *procedures* described in this
14 chapter ~~has~~ *have* been followed, and upon finding grounds for the
15 termination of parental rights pursuant to NRS 128.105 at a hearing upon
16 the petition ~~or~~ *or without a hearing in the case of a summary petition*
17 *filed pursuant to section 12 of this act*, the court shall make a written
18 order, signed by the judge presiding in the court, judicially depriving the
19 parent or parents of the custody and control of, and terminating the parental
20 rights of the parent or parents with respect to the child, and declaring the
21 child to be free from such custody or control, and placing the custody and
22 control of the child in some person or agency qualified by the laws of this
23 state to provide services and care to children, or to receive any children for
24 placement.

25 2. If the child is placed in the custody and control of a person or
26 agency qualified by the laws of this state to receive children for placement,
27 the person or agency, in seeking to place the child:

28 (a) May give preference to the placement of the child with any person
29 related within the third degree of consanguinity to the child whom the
30 person or agency finds suitable and able to provide proper care and
31 guidance for the child, regardless of whether the relative resides within this
32 state.

33 (b) Shall, if practicable, give preference to the placement of the child
34 together with his siblings.

35 Any search for a relative with whom to place a child pursuant to this
36 subsection must be completed within 1 year after the initial placement of
37 the child outside of his home.

38 **Sec. 22.** NRS 128.120 is hereby amended to read as follows:

39 128.120 Any order made and entered by the court ~~under~~ *pursuant to*
40 the provisions of NRS 128.110 *or section 12 of this act* is conclusive and
41 binding upon the person declared to be free from the custody and control of
42 his parent or parents, and upon all other persons who have been served
43 with notice by publication or otherwise, as provided by this chapter. After
44 the making of the order, the court has no power to set aside, change or
45 modify it, but nothing in this chapter impairs the right of appeal.

46 **Sec. 23.** NRS 128.150 is hereby amended to read as follows:

47 128.150 1. If a mother relinquishes or proposes to relinquish for
48 adoption a child who has:



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1 (a) A presumed father ~~under~~ *pursuant to* subsection 1 of
2 NRS 126.051;
3 (b) A father whose relationship to the child has been determined by a
4 court; or
5 (c) A father as to whom the child is a legitimate child ~~under~~ *pursuant*
6 *to* chapter 126 of NRS, ~~under~~ *pursuant to* prior law of this state or
7 ~~under~~ *pursuant to* the law of another jurisdiction,
8 and the father has not consented to the adoption of the child or relinquished
9 the child for adoption, a proceeding must be brought pursuant to this
10 chapter and a determination made of whether a parent and child
11 relationship exists and if so, if it should be terminated.
12 2. If a mother relinquishes or proposes to relinquish for adoption a
13 child who does not have:
14 (a) A presumed father ~~under~~ *pursuant to* subsection 1 of
15 NRS 126.051;
16 (b) A father whose relationship to the child has been determined by a
17 court;
18 (c) A father as to whom the child is a legitimate child ~~under~~ *pursuant*
19 *to* chapter 126 of NRS, ~~under~~ *the* prior law of this state or ~~under~~ the law
20 of another jurisdiction; or
21 (d) A father who can be identified in any other way,
22 or if a child otherwise becomes the subject of an adoption proceeding, the
23 agency or person to whom the child has been or is to be relinquished, or the
24 mother or the person having custody of the child, shall file a petition in the
25 district court to terminate the parental rights of the father, unless *a*
26 *summary petition is filed pursuant to section 12 of this act or unless* the
27 father's relationship to the child has been previously terminated or
28 determined not to exist by a court.
29 3. ~~Has~~ *Except in the case of a summary petition filed pursuant to*
30 *section 12 of this act, in* an effort to identify and protect the interests of the
31 natural father, the court which is conducting a proceeding pursuant to this
32 chapter shall cause inquiry to be made of the mother and any other
33 appropriate person. The inquiry must include the following:
34 (a) Whether the mother was married at the time of conception of the
35 child or at any time thereafter.
36 (b) Whether the mother was cohabiting with a man at the time of
37 conception or birth of the child.
38 (c) Whether the mother has received support payments or promises of
39 support with respect to the child or in connection with her pregnancy.
40 (d) Whether any man has formally or informally acknowledged or
41 declared his possible paternity of the child.
42 4. If, after the inquiry ~~is~~ *pursuant to subsection 3,* the natural father is
43 identified to the satisfaction of the court, or if more than one man is
44 identified as a possible father, each must be given notice of the proceeding
45 in accordance with subsection 6 of this section or with this chapter, as
46 applicable. If any of them fails to appear or, if appearing, fails to claim
47 custodial rights, such failure constitutes abandonment of the child. If the
48 natural father or a man representing himself to be the natural father, claims
49 custodial rights, the court shall proceed to determine custodial rights.



* S B 2 9 5 R 2 *

1 5. If, after the inquiry ~~it~~ *pursuant to subsection 3*, the court is unable
2 to identify the natural father or any possible natural father and no person
3 has appeared claiming to be the natural father and claiming custodial
4 rights, the court shall enter an order terminating the unknown natural
5 father's parental rights with reference to the child. Subject to the
6 disposition of any appeal, upon the expiration of 6 months after an order
7 terminating parental rights is issued under this subsection, or this chapter,
8 the order cannot be questioned by any person in any manner or upon any
9 ground, including fraud, misrepresentation, failure to give any required
10 notice or lack of jurisdiction of the parties or of the subject matter.

11 6. ~~Notice~~ *Except in the case of a summary petition filed pursuant to*
12 *section 12 of this act, notice* of the proceeding must be given to every
13 person identified as the natural father or a ~~possible~~ *person presumed to*
14 *be the* natural father in the manner provided by law and the Nevada Rules
15 of Civil Procedure for the service of process in a civil action, or in any
16 manner the court directs. Proof of giving the notice must be filed with the
17 court before the petition is heard.

18 **Sec. 24.** 1. There is hereby appropriated from the state general fund
19 to the health division of the department of human resources to carry out the
20 provisions of this act:

21 For the fiscal year 2001-2002..... \$44,150

22 For the fiscal year 2002-2003..... \$36,616

23 2. Any balance of the sums appropriated by subsection 1 remaining at
24 the end of the respective fiscal years must not be committed for
25 expenditure after June 30 of the respective fiscal years and reverts to the
26 state general fund as soon as all payments of money committed have been
27 made.

28 **Sec. 25.** The amendatory provisions of this act apply with respect to
29 any child who is born on or after October 1, 2001.

30 **Sec. 26.** 1. This section becomes effective upon passage and
31 approval.

32 2. Sections 1 to 23, inclusive, and 25 of this act become effective upon
33 passage and approval for the purpose of adopting regulations necessary to
34 carry out this act and on October 1, 2001, for all other purposes.

35 3. Section 24 of this act becomes effective on July 1, 2001.

36 4. This act expires by limitation on June 30, 2003.

